

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal Number 1:04cr421
)	
BEMBA BALSIROV,)	
a/k/a Bemba Balsirow,)	
)	
Defendant)	

STATEMENT OF FACTS

The United States and the defendant agree that had this matter proceeded to trial, the United States would have proven the facts outlined below beyond a reasonable doubt.

1. The defendant, BEMBA BALSIROV, a/k/a Bemba Balsirow, was a resident of the state of New Jersey and was employed there by a residential construction company.

2. Global Recruitment and Immigration Services, Inc. (Global), located in Falls Church, Virginia, was an entity engaged in providing immigration-related services to aliens seeking to obtain alien registration receipt cards, commonly known as “green cards,” to enter or remain in the United States. Global was owned by the defendant’s uncle, Naran S. Ivanchukov.

3. East Coast Fabricators (ECF), located in Winchester, Virginia, was an entity that manufactured aluminum framed window panels for installation in commercial buildings.

4. An alien seeking to immigrate to the United States may obtain an immigrant visa in order to perform skilled or unskilled labor in the United States. If approved, this employment-based visa allows the alien to come to the United States and to apply for lawful permanent residence. In order to apply for such a visa, however, an alien must first obtain a formal

certification from the Secretary of Labor that (a) there are insufficient U.S. workers qualified to do the work contemplated and (b) the employment of the alien would not adversely affect the wages and working conditions of U.S. workers similarly employed.

5. The Department of Labor does not permit an alien to apply for a labor certification on his or her own. Rather, the Department requires the alien's prospective employer to file an Application for Alien Employment Certification, officially known as a Department of Labor form ETA 750, on behalf of the alien. This application has to be completed and signed under penalty of perjury by both the prospective employer and the alien. In part A of the application, the employer represents that the employer has a specific job to fill; describes the nature, location, terms, and requirements of the job; and lists the name, address, and immigration status of the alien seeking the job. In part B of the application, the alien lists his name, address, biographic information, and immigration status; describes his experience and qualifications for the job the employer was offering; and represents that he is willing and qualified to accept the job.

6. At least from in or about April 2000 through in or about August 2004, in the Eastern District of Virginia and elsewhere, the defendant knowingly and unlawfully conspired with Naran S. Ivanchukov and others from Global and elsewhere to commit immigration fraud and to make false statements. The defendant and his fellow conspirators knowingly and unlawfully agreed to subscribe as true, under penalty of perjury, false statements in immigration-related documents and to present such documents to the U.S. Department of Labor, the Immigration and Naturalization Service and its successor, the Department of Homeland Security, and the Department of State.

7. During 2000 and 2001, the defendant's co-conspirators at Global prepared and submitted to the Department of Labor, through the Virginia Employment Commission, numerous fraudulent ETA 750 applications naming ECF as the employer and numerous aliens as the beneficiaries. These applications contained material false statements and misrepresentations, including one or more of the following:

- a) that the alien and employer had signed the document under penalty of perjury, when in fact the signatures were forged;
- b) that ECF was engaged in the residential construction business;
- c) that ECF intended to hire the alien beneficiaries for current and bona fide job opportunities in various residential construction trades;
- d) that the same job opportunities had been clearly open to any qualified U.S. worker;
- e) that ECF had legitimately tried and failed to recruit U.S. workers to fill the jobs described in the applications; and
- f) that the defendant was the construction manager of ECF.

8. A number of these documents were signed by the defendant. Also, in or about April 2000, the defendant had faxed a sample of his signature to Global for use in forging his signature on similar documents.

9. As part of the conspiracy, the defendant was paid by Global for signing fraudulent applications and for allowing Global to use his name in signing other fraudulent applications. During 2001 and 2002, the defendant received at least \$45,500 in such payments from Global.

10. For the purposes of this statement of facts, the defendant acknowledges (a) that he knowingly aided the preparation and submission of between 25 and 99 fraudulent ETA 750 applications (the defendant does not acknowledge that he aided the preparation and submission of more than 99 such applications); (b) that these same applications contained false statements that were material to their adjudication; (c) that an ETA 750 application is an application required by the immigration laws and the regulations prescribed thereunder; and (d) that the Department of Labor is a department within the executive branch of the United States.

11. This statement of facts includes those facts necessary to support the plea agreement between the defendant and the United States. It does not include each and every fact known to the defendant or the United States, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

12. The actions of the defendant as recounted above were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

Respectfully submitted,

PAUL J. McNULTY
UNITED STATES ATTORNEY

By: _____
James P. Gillis
Assistant United States Attorneys

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proven the same beyond a reasonable doubt.

Bemba Bansirow
Defendant

I am the defendant's attorney. I have carefully reviewed the above Statement of Facts with the defendant. To my knowledge, the defendant's decision to stipulate to these facts is an informed and voluntary one.

Nina J. Ginsberg
Michael S. Lieberman
Counsel to the Defendant